

UNITED STATES COURT OF APPEALS

OCT 7 1997

TENTH CIRCUIT

PATRICK FISHER
Clerk

LEE WEBB,

Plaintiff-Appellant,

v.

PRISON HEALTH SERVICES;
BRUCE WELLS, M.D.,

Defendants-Appellees.

No. 97-3146
(D.C. No. 94-CV-3064-GTV)
(Kansas)

ORDER AND JUDGMENT*

Before **SEYMOUR**, Chief Judge, **PORFILIO** and **MURPHY**, Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The cause is therefore ordered submitted without oral argument.

Plaintiff Lee Webb appeals from the district court's summary judgment in

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, or collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

favor of defendants on plaintiff's claim that defendants violated his rights under the Eighth Amendment to be free from cruel and unusual punishment.¹ We have reviewed the record in light of plaintiff's claims, and we agree with the district court that plaintiff has failed to establish the requisite deliberate indifference to his serious medical needs required to support a constitutional violation.

We **AFFIRM** the judgment of the district court substantially for the reasons given by the court in its Memorandum and order dated May 6, 1997.

ENTERED FOR THE COURT

Stephanie K. Seymour
Chief Judge

¹We construe plaintiff's "Amended and Supplemental Pleadings" as a motion to supplement the record on appeal and grant it.